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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,376	11/09/2001	Richard Ciapala	MSFT-0764/154583.1	2868
41505	7590	06/21/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			ANYA, CHARLES E	
			ART UNIT	PAPER NUMBER

2194

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/053,376

Applicant(s)

CIAPALA ET AL

Examiner

Charles E. Anya

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-11 and 23-26 are pending in this application.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

The following terms lack antecedent basis:

- i. "property information" on lines 11 and 12 of claim 10;

For the purpose of this office action the Examiner change the term "property information" to "second event information".

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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5. Claims 1-7,9 and 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pat. 6,760,903 B1 to Morshed et al.

6. As to claim 1, Morshed teaches a method for tracing a computing task in a distributed computing environment (figure 29 Col. 32 Ln. 50 - 67, Col. 33 Ln. 1 - 19), comprising: at a first device, issuing a first call to invoke a first procedure to be executed at a second device that is different from said first device ("...remote procedure call..." Col. 34 Ln. 64 - 67, Col. 35 Ln. 1 - 8), said first call including tracing information instructing said second device to provide event information regarding the execution of said first procedure at the second device ("...out of band data..." Col. 35 Ln. 18 - 31), at said second device, receiving the first call and invoking the first procedure in response to said first call (figure 32 Col. 39 Ln. 1 - 15) and at said second device, providing event information in accordance with said tracing information (Col. 35 Ln. 27 - 31).

7. As to claim 2, Morshed teaches the method of claim 1, wherein said tracing information specifies a limitation on the content of the event information, and wherein said act of providing event information comprises providing a limited amount of event information in accordance with the specified limitation ("...out of band data..." Col. 35 Ln. 18 - 31).

8. As to claim 3, Morshed teaches the method of claim 1, wherein said event information includes property information descriptive of the event, and wherein said act

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of providing said event information includes providing said property information (Col. 35 Ln. 25 - 31, Col. 35 Ln. 42 - 62).

9. As to claim 4, Morshed teaches the method of claim 3, further comprising the act of deriving at least some of said property information from an environment present at said second device (Col. 35 Ln. 25 - 31, "...add data..." Col. 39 Ln. 16 - 31, Ln. 51 - 58, Col. 41 Ln. 28 - 31).

10. As to claim 5, Morshed teaches the method of claim 3, wherein said property information includes a plurality of attributes, wherein said tracing information specifies a limitation as to a subset of said attributes, and wherein said act of providing event information includes providing attributed information limited in accordance with said subset (figure 39/40 Col. 47 Ln. 15 - 67).

11. As to claim 6, Morshed teaches the method of claim 1, wherein said first procedure produces a result, and wherein said method further comprises providing said result to said first device (Col. 39 Ln. 16 - 34).

12. As to claim 7, Morshed teaches the method of claim 1, wherein said first procedure issues a second call to invoke a second procedure at a third device different from said first device and said second device, and wherein said method further

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comprises including said tracing information, or information based on said tracing information, in said second call (Col. 37 Ln. 1 - 13, Col. 48 Ln. 44 - 60).

13. As to claim 9, Morshed teaches the method of claim 1, further comprising formatting said event information in accordance with a formatting convention (Col. 39 Ln. 16 - 31).

14. As to claim 23, Morshed teaches a system for supporting tracing in an application program which executes on a first computing device and which issues a call to a second computing device for at least some processing (figure 30 Col. 33 Ln. 20 - 55), the system comprising: a library residing on the first computing device comprising one or more methods callable by the application program ("...several libraries..." Col. 34 Ln. 31-52), an event handler residing on the first computing device which receives events generated by calls to said methods, and which causes the generation of first tracing information in response to said events ("...COM DLL..." Col. 34 Ln. 53 - 63), the generation of said first tracing information being limited by a requirement that originates from the application program ("...out of band data..." Col. 35 Ln. 18 - 31), and a trace service component which receives at least some of said tracing information and which generates a remote trace request for forwarding to the second computing device when said tracing information indicates that the application program has issued a call to the second computing device (Col. 36 Ln. 60 - 67, Col. 37 Ln. 1 - 4, Col. 39 Ln. 1 - 15).

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15. As to claim 24, Morshed teaches the system of claim 23, wherein the call to the second computing device is represented in the form of a data structure to be transmitted to the second computing device over a communications medium ("...out of band data..." Col. 35 Ln. 18 - 31), and wherein said trace service component attaches the remote trace request to said data structure (Col. 39 Ln. 1 - 15, Col. 43 Ln. 51 - 67).

16. As to claims 25 and 26, see the rejection of claims 23 and 24.

**17. Claims 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. 6,760,903 B1 to Morshed et al. in view of U.S. Pat. No. 6,446,137 B1 to Vasudevan et al.**

18. As to claim 8, Morshed is silent with reference to the method of claim 1, wherein said second device is a member of a cluster of devices, and wherein said first call is issued to said cluster of devices and assigned to said second device, the identity of said second device being indeterminate at the time of said first call.

19. Vasudevan teaches the method of claim 1, wherein said second device is a member of a cluster of devices, and wherein said first call is issued to said cluster of devices and assigned to said second device, the identity of said second device being indeterminate at the time of said first call (Col. 5 Ln. 50 - 57, Col. 6 Ln. 9 - 38, Col. 12 Ln. 9 - 48).

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20. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morshed and Vasudevan because the system of Vasudevan would improve the system of Morshed by selecting appropriate server to service the event tracing request (fig 4a/b Col. 9 - 48).

21. As to claim 10, Morshed teaches a computer-readable medium having computer-executable instructions to perform acts comprising: determining that generation of event information is enabled generating first event information indicative of a first event occurring during the operation of a program (Col. 34 64 - 67, Col. 35 Ln. 1 - 8, Ln. 18 -

22. 31), and transmitting to said remote device information instructing said remote device to generate second event information indicative of a second event occurring during the operation of said procedure (Col. 35 Ln. 25 - 31), wherein said second event information comprises a plurality of elements, wherein said transmitted act includes transmitting filtering information which limits the second event information to be generated to a subset of said plurality of elements (Step 1152-Step 1162 Col. 49 Ln. 42 - 52).

23. Morshed is silent with reference to calling a procedure on a remote device whose location or identity is undetermined at the time of the call.

24. Vasudevan teaches calling a procedure on a remote device whose location or identity is undetermined at the time of the call (Col. 5 Ln. 50 - 57, Col. 6 Ln. 9 - 38, Col. 12 Ln. 9 - 48).

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25. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Morshed and Vasudevan because the system of Vasudevan would improve the system of Morshed by selecting appropriate server to service the event tracing request (fig 4a/b Col. 9 - 48).

26. As to claim 11, Morshed teaches the computer-readable medium of claim 10, wherein said generating act includes generating property information descriptive of said first event (Col. 34 Ln. 64 - 67, Col. 35 Ln. 1 - 8, Ln. 18 - 31).

27. As to claim 12, Morshed teaches the computer-readable medium of claim 11, wherein said property information comprises a plurality of elements (Col. 35 Ln. 49 - 62, figure 39/40 Col. 47 Ln. 15 - 67), wherein said transmitting act includes transmitting filtering information which limits the property information to be generated to a subset of said plurality of elements (Col. 35 Ln. 18 - 31).

### ***Response to Arguments***

28. Applicant's arguments filed 1/5/05 have been fully considered but they are not persuasive.

Applicant argues in substance that (1) the Morshed prior art reference does not teach "a first device instructing a second device to provide event information about the execution of a procedure at the second device", (2) the "out of band data" of Morshed prior art reference is not analogous to the "providing a limited amount of event

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information” of the instant application, (3) the Morshed prior art reference does not teach limits on information.

Examiner respectfully traverses Applicant’s argument:

As to point (1), the Morshed prior art reference does teach “a first device instructing a second device to provide event information about the execution of a procedure at the second device” by providing information (“out of band data”) that may be used to gather execution data about the distributed application as a whole as well as components of the distributed application that may execute on different computer systems (Col. 35 Ln. 27 – 31).

As to point (2), the “out of band data” of Morshed prior art reference is analogous to the “providing a limited amount of event information” of the instant application because the “out of band data” instructs the called function on what information about the execution of a distributed application to gather thereby limiting the information to be returned to the caller function.

As to point (3), the “out of band data” defines the limit of information to be gathered and returned on behalf of the calling function.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is (571) 272-3757. The examiner can normally be reached on M-F (8:30-6:00) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, An Meng-Ai can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles E Anya  
Examiner  
Art Unit 2194

cea.

  
MENG-AI T. AN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100